

## **REMARKS**

### **Claim 1**

Claim 1 was rejected under Section 102 based on Swartz.

It is suggested that Swartz teaches wirelessly linking a plurality of customers within a retail facility. However, Swartz only talks about a communication system including a LAN and PBX. It has nothing to do with any kind of retail facility. Therefore, the pertinency of the reference is not understood.

Further, claim 1 calls for enabling customers to communicate with one another via text messages over said network. In support of the rejection, it is asserted that the reference teaches a wireless pager. But that pager, most necessarily, would work over the telephone system. If the pager sends a message, both over the telephone system and over the LAN, then redundant messages would be received. Instead, it seems more likely that the pager simply operates over the normal telephone paging system.

The language in column 4 that is cited is not inconsistent. There, it is suggested that when the MU is provided with a voice communication channel it can be used as a telephone to communicate with other MUs on the LAN. But, of course, it communicates with them over the phone system, not over the LAN itself. Any other interpretation would seem to create the inconsistency of messages traveling over two separate systems in parallel arriving inconsistently at their destination.

Therefore, reconsideration of the rejection of claim 1 is respectfully requested.

### **Claim 4**

Claim 4 was not specially addressed.

### **Claim 8**

Claim 8 calls for providing information about the current location of the processor-based device associated with a customer. There is no effort in the cited references to do any such thing. The material cited in connection with the Beach patent merely talks about enabling audible communications with different customers. There is no information provided about the location of the processor-based device associated with the customer.

### **Claim 9**

Claim 9 relates to providing information about the customer's location to the server. Those audible communications cannot provide any information to the server which only understands electronic information.

It is not believed that claim 11 was specifically addressed.

### **Claims 11 and 21**

On the same basis, claim 11, its dependent claims, and claim 21 and its dependent claims should patentably distinguish over the art of record.

### **Claim 26**

Claim 26 calls for establishing a local area network and providing retail customers with a terminal to communicate with the network, the terminal being activated by swiping a credit card through a slot in the terminal. It is suggested that Ogasawara teaches mobile terminals with slots for receiving credit cards. But these credit cards have nothing to do with activating or deactivating the terminal.

In particular, the cited material simply indicates that a card may be swiped to transfer information, but that does not enable the terminal to be activated by swiping a card through a slot in the terminal. The claimed invention enables the use of the system in a publicly accessible retail facility, a problem not faced by Ogasawara.

There is no reason to believe that Ogasawara is activated by card swiping. Instead, the cited language merely suggests that information may be transferred to the system by swiping the card. That information may simply augment a fully functional terminal. Nothing in the material supports the argument that the terminal is activated by card swiping.

Therefore, reconsideration of claim 26, its dependent claims, claim 29, claim 32, and all of their dependent claims is respectfully requested.

### **Claim 35**

Claim 35 calls for establishing a local area network in a retail facility and pushing information to a customer terminal coupled to the network depending on the current location of the terminal within the retail facility.

Claim 35 was rejected over Beach in view of Swartz. However, claim 35 was never specifically discussed. There is nothing in Beach or Swartz which pushes information to a customer terminal based on the current location of a terminal in a retail facility.

### **Claims 8, 9, 18, and 19**

Concerning claims 8 and 18, it was suggested that Beach teaches providing information about the current location of a processor-based device associated with a customer. However, reconsideration is respectfully requested. The material in column 12 does not have anything to do with providing information about the location of shoppers. Specifically, there is nothing which pushes information or would enable pushing information depending on the current location of the customer.

That material in column 12 has to do with providing a two way audio system wherein shoppers and employees can indicate over the audio system where they are located. There is no way to electronically determine where they are located and there is no way to push information to them based on their location.

Thus, the argument, with respect to claims 9 and 19 that Beach teaches providing information about the customer's location to the server, is not accurate. Providing audible information does not enable any kind of server action.

### **Claim 43**

Claim 43 was rejected over Beach plus Kraft. It is suggested that Beach teaches the identification of the location of shoppers, citing column 12, lines 52-53. While this may be so, he does not suggest doing it electronically. He plainly and clearly suggests providing audible communications so that customers can indicate where they are.

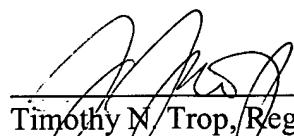
The reference to Kraft is discussed, but is not made of record by citation on the notice of references cited.

However, even if Kraft did teach locating shoppers in malls using terminal devices, it provides no suggestion of providing information to those customers based on their location. In other words, there is no suggestion that one could provide information depending on the location of the customer. For example, if the customer was at one location next to one product, he could be pushed information about that product and if he was at another location adjacent to another product, he could be pushed information about that other product. No such thing is suggested by any reference, including the informally cited Kraft reference, either alone or in combination with any of the other cited references.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,

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